

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0202-M249

Case Title:

Bechtel Marine Propulsion Corporation

Reporting Office:

Syracuse, NY, Resident Office

Subject of Report:

2015-04-01 Kenneth Gelting Interview - Professional Engineer working for Bechtel Marine

Activity Date:

April 1, 2015

Reporting Official and Date:

(b) (7)(C), (b) (6)

Special Agent

22-MAY-2015, Signed by: (b) (7)(C), (b) (6)

Approving Official and Date:

(b) (7)(C), (b) (6)

Special Agent in Charge

26-MAY-2015, Approved by: (b) (7)(C), (b) (6) ^e

SYNOPSIS

On Wednesday April 1, 2015, US EPA-CID Special Agent (b) (7)(C), (b) (6) interviewed Kenneth Gelting at his residence in Ballston Lake, NY. Mr. Gelting filed a complaint in regard to the certification of SPCC plans for the military facility he worked at and the government contractor hired to run the facility. This report details Mr. Gelting's concerns about secondary containment listed for several aboveground storage tanks that are listed in the Spill Prevention Controls and Countermeasures Plan (SPCC Plan).

DETAILS

On Wednesday April 1, 2015, US EPA-CID Special Agent (b) (7)(C), (b) (6) interviewed Kenneth Gelting at his residence in Ballston Lake, NY. Mr. Gelting filed a complaint in regard to the certification of SPCC plans for the military facility he worked at and the government contractor hired to run the facility. This report details Mr. Gelting's concerns about secondary containment listed for several aboveground storage tanks that are listed in the Spill Prevention Controls and Countermeasures Plan (SPCC Plan).

The interview began with Mr. Gelting explaining how he submitted a deficiency report to the Engineering Department Manager, (b) (7)(C), (b) (6), concerning two large aboveground storage tanks in May 2013. The two tanks in question were designed and built differently from how they were described and listed in the SPCC Plan. Two alleged telltale pipes that were installed through the secondary containment structure were in fact leak detection devices for the aforementioned tanks. The tell tales were pumped monthly to check for oil substances and water.

These tanks are regulated under the Petroleum Bulk Storage program run by the New York State Department of Environmental Conservation. The tanks are registered with and regulated by the NYS-DEC, under a non-US EPA mandated program. On September 24, 2013 the material in these two aboveground storage tanks were relocated to two other oil storage areas. The moving of oil in these two tanks to other storage areas kicked in a requirement to update the SPCC Plan within a six month period. Therefore, the new SPCC Plan revision date was March 24, 2014.

Mr. Gelting drafted revision #21 of the SPCC Plan that included information on aboveground storage tanks #5 & 6. On February 24, 2014, Mr. Gelting notified (b) (7)(C), (b) (6), the Environmental Health and Safety Manager of the impending non-compliance if the SPCC Plan wasn't finished and submitted. According to Gelting, the revised SPCC Plan needed to be signed by a professional engineer, which Gelting is, and the site manager, (b) (7)(C), (b) (6). In addition, (b) (7)(C), (b) (6).

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(b) (7)(C), (b) (6) the ESH Manager, would also sign the SPCC Plan. Other managers would peer review the plan and make comments and then Gelting would revise the draft.

(b) (7)(C), (b) (6) Gelting's direct supervisor, started his review in early March 2014. (b) (7)(C), (b) (6) pressured Gelting to certify both aboveground storage tanks #5 & 6 but Gelting refused. Mr. Gelting went on vacation and came back to work on May 8, 2014. The US EPA was onsite at the facility beginning on May 7, 2014 to conduct a multimedia inspection. The EPA inspector, later identified as (b) (7)(C), (b) (6) asked for a copy of SPCC Plan. (b) (7)(C), (b) (6) was supplied with the April 2013 certified plan and not the draft revised plan that was in the process of being reviewed.

Mr. Gelting wanted to inform the US EPA inspector of the existence of the deficiency report through an oral request of (b) (7)(C), (b) (6). (b) (7)(C), (b) (6) denied this request. Mr. Gelting then took his concerns to (b) (7)(C), (b) (6) who told Gelting that a professional engineering (PE) certification for the SPCC plan was going to come that afternoon from (b) (7)(C), (b) (6) an engineer from the engineering department. (b) (7)(C), (b) (6) was not truthful with Gelting as (b) (7)(C), (b) (6) knew nothing about the certification when questioned by Gelting later. Gelting was then locked down in his office for the remainder of that day, May 8, 2014. Thus the US EPA inspector left with the impression that the SPCC Plan was current and in compliance.

Mr. Gelting then spoke with (b) (7)(C), (b) (6) Environmental Manager, (b) (7)(C), (b) (6) and asked to meet with the company's (b) (7)(C), (b) (6). (b) (7)(C), (b) (6) didn't appear to show any concern about the request. Gelting felt that the general counsel likely knew about Gelting's concerns. Gelting also thought about speaking to the naval personnel about this issue.

On May 21, 2014 Mr. Gelting participated in a meeting with (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), and (b) (7)(C), (b) (6). The concern in the meeting was why were the tanks leaking. (b) (7)(C), (b) (6) wasn't interested in not disclosing the deficiency report and getting the SPCC Plan into compliance. After the meeting, nothing happened for the next two months. (b) (7)(C), (b) (6) then called Gelting and said there is something I need to speak with you about but he couldn't remember specifically what he wanted to discuss. Gelting felt like this was a test to see what he (Gelting) would say.

On September 15, 2014 Gelting was taken to human resources and was suspended from work based upon new internal information. No further explanation was provided. Gelting was suspended at home with pay and benefits. Then on October 10, 2014, Gelting was evaluated as a potential workplace shooter. No documentation on any of the disciplinary actions was provided to Mr. Gelting. Mr. Gelting sought professional consultation and was basically told he had no real recourse against Bechtel Marine Propulsion and that he probably was going to be fired. Based upon this information, Mr. Gelting resigned his position at the end of October 2014.

Mr. Gelting went on to file a complaint with Naval Reactors who owns the site. Gelting filed a multiple count complaint about Bechtel Marine Propulsion Corporation's operation of the site. The first complaint was that BMPC obstructed Gelting's ability to speak with the US EPA inspector. A second complaint was BMPC's lack of ethics in/non-compliance regards to laws and regulations. There is an original settlement dating to 1865 within the military facility BMPC operates. Plans were put into place to demolish this farmhouse complex without consulting conducting proper consultation with the State Historic Preservation Office (SHPO) on the National

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Historic Preservation Act. A letter was drafted for the SHPO but it was never sent.

During the inspection, (b) (7)(C), (b) (7)(C), requested that the tell tales be pumped but no oil like substances were found (May 8, 2014 with (b) (7)(C), (b) (7)(C), (b) (6) present). Bechtel Marine then hired MJ Engineering employee (b) (7)(C), (b) (6) to work on the SPCC plan. (b) (7)(C), (b) (6) asked what the US EPA inspector said about the telltales. (b) (7)(C), (b) (7)(C), (b) (6) stated that the issue didn't come up. Mr. Gelting then wondered how the secondary containment issue was explained to (b) (7)(C), (b) (7)(C), (b) (6) on his inspection.

On May 16, 2014, the consulting engineer states the tanks couldn't be certified for the SPCC plan.

On the very same day, the Site Manager stated the tanks were to be taken offline and replaced. This decision was all news to Naval Reactors personnel. On May 24, 2016 a meeting was held to ask how water was leaking into the secondary containment area. When asked, Mr. Gelting could not provide a name of contact at Naval Reactors. It wasn't until June 24, 2014 that Naval Reactors asked Bechtel Marine why the two tanks were being replaced. (b) (7)(C), (b) (7)(C), (b) (6) replied to the initial question while Gelting spoke up and answered questions by Naval Reactors personnel. In addition, the Naval Reactors employees wanted Mr. Gelting to participate in a New York State Department of Environmental Conservation conference call.

Mr. Gelting wanted to be open and honest with NYS-DEC when on the conference call and he spoke with Human Resources personnel about the dilemma. Mr. Gelting also spoke openly with (b) (7)(C), (b) (7)(C), (b) (6) (b) (7)(C), (b) (7)(C), (b) (6) then told Gelting he wouldn't be on the call the NYS-DEC.